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 UNITED STATES FIRE INSURANCE COMPANY

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 11 IN THE UNITED STATES DISTRICT COURT
 12
 13 NORTHERN DISTRICT OF CALIFORNIA
 14
 15 (OAKLAND DIVISION)

16
 17 LENS CRAFTERS, INC.; and EYEXAM
 18 OF CALIFORNIA, INC.;

19 Plaintiffs,

20 vs.

21 LIBERTY MUTUAL FIRE INSURANCE
 22 COMPANY; EXECUTIVE RISK
 23 SPECIALTY INSURANCE COMPANY;
 24 UNITED STATES FIRE INSURANCE
 25 COMPANY; MARKEL AMERICAN
 26 INSURANCE COMPANY; and
 27 WESTCHESTER FIRE INSURANCE
 28 COMPANY,

Defendants.

Case No. C-07-2853 SBA
 The Honorable Saundra B. Armstrong

E-FILING

**[PROPOSED] ORDER GRANTING U.S.
 FIRE INSURANCE COMPANY'S MOTION
 TO DISMISS LENS CRAFTERS' SECOND
 AND THIRD CAUSES OF ACTION**

Date: January 29, 2008
 Time: 1:00 p.m.
 Courtroom: 3

1 Defendant United States Fire Insurance Company's ("U.S. Fire") Motion to Dismiss
2 LensCrafters' Second and Third Causes of Action came on for hearing before this Court on
3 Tuesday, January 29, 2008 at 1:00 p.m.

4 The Court, having considered all of the papers submitted in connection with the motion
5 and having heard the argument of counsel, determines that the LensCrafters' claims for breach of
6 contract and tortious breach of the covenant of good faith and fair dealing are not yet ripe.
7 Accordingly, the Court hereby **GRANTS** U.S. Fire's motion and dismisses LensCrafters' second
8 and third causes of action.

9 IT IS SO ORDERED

11 || DATED:

The Honorable Saundra B. Armstrong

PROOF OF SERVICE

I am employed in the County of San Francisco, State of California. I am over the age of 18 and not a party to the within action; my business address is One Maritime Plaza, Third Floor, San Francisco, California 94111-3492.

On October 19, 2007, I served the following document described as:

[PROPOSED] ORDER GRANTING U.S. FIRE INSURANCE COMPANY'S MOTION TO DISMISS LENSCRAFTERS' SECOND AND THIRD CAUSES OF ACTION

VIA THE UNITED STATES DISTRICT COURT ELECTRONIC FILING SERVICE on interested parties in this action as set forth below:

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Executed on October 19, 2007, at San Francisco, California. I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

/s/ Amy E. Rose
 Amy E. Rose

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